

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
)	
Modification of Parts 2 and 15 of the)	ET Docket No. 03-201
Commission's Rules for Unlicensed devices)	
and equipment approval.)	

**REPLY COMMENTS OF THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Telecommunications Industry Association ("TIA") hereby submits reply comments in response to the Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceeding.¹ TIA is the leading trade association representing the communications and information technology industry, with 700 member companies that manufacture or supply the products and services used in global communications. Many of these TIA member companies design and produce unlicensed devices that operate under Parts 2 and 15 of the Federal Communications Commission ("Commission" or "FCC") rules. In particular, TIA has a substantial interest in Commission decisions related to the reevaluation of these rule parts as they pertain to protection of Satellite Digital Audio Radio Service ("SDARS"). In these reply comments, TIA responds to the comments filed January 23, 2004 by Sirius Satellite Radio Inc. ("Sirius"), a licensee in the SDARS, to the NPRM. After reviewing the comments of Sirius, TIA responds

¹ Notice of Proposed Rulemaking, FCC 03-223 (released September 17, 2003) ("NPRM").

specifically to its comments on out-of-band emissions into the SDARS licensed band from Part 15 devices operating in adjacent bands.

With respect to Sirius' request that the out-of-band emissions limits for Part 15 devices be lowered, TIA observes that this subject has been previously considered by the Commission and we believe that no new information was submitted by Sirius in its comments that would merit further consideration by the Commission.

A review of the record on this issue supports rejecting the proposal made by Sirius. In fact, the Commission addressed this issue in the 2nd Report and Order in ET Docket No. 99-231 ("R&O"), *where it specifically denied a virtually identical proposal*.² The Commission stated in the R&O that no change in the limits was justified and that any future action would have to be addressed on a case-by-case basis considering specific interference issues. Additionally, the Commission stated that no proposed changes would be made until sufficient information was available to justify such changes. The comments filed by Sirius fail to do this.

TIA questions the need for lower emission limits to protect the SDARS. The Commission has stated in previous rulings that the existing out-of-band emission limits were more than adequate to protect other services *including emergency and public safety services*. Therefore the existing emission limits should be more than adequate to protect SDARS.

The record also supports this previous ruling since SDARS receivers are currently being installed in a variety of environments, with no reports of interference, including in

² *Amendment of Part 15 of the Commission's Rules Regarding Spread Spectrum Devices*, ET Docket No. 99-231, Second Report and Order, 30 FCC Rcd. 02-151 (released May 30, 2002).

newer vehicles equipped with 2.4 GHz Bluetooth devices for hands-free mobile phone operation.

Furthermore, the scope of the instant NPRM is to address specific streamlining issues under Part 2 and Part 15 of the rules. The proposal by Sirius does not provide any streamlining of the Part 15 rules. In fact, it would have the opposite effect by requiring additional testing and unnecessary, costly redesign of virtually the entire gamut of existing Part 15 devices.

Therefore, TIA believes that Sirius' request for changes to the out-of-band emission limits is out of scope with regard to the instant NPRM, and thus should not be considered by the Commission in the context of this proceeding.

Adoption of the proposal would have a very costly and detrimental effect on the Part 15 community operating in this band. Manufacturers, from computer makers and network equipment makers to RLAN and Bluetooth wireless device makers, would be required to re-engineer their products to comply with the new emission limits, adding significantly to the cost of products used by millions of consumers without any demonstrable counter benefits to SDARS manufacturers or consumers. Further, the proposal does not address the existence of current products in the marketplace.

In conclusion, no compelling evidence exists in the public record to support changing the existing Part 15 out-of-band emissions limits to protect SDARS. In light of the above, TIA respectfully asks the Commission to reject the relief sought by Sirius in its comments as they pertain to the out-of-band emission limits.

Respectfully submitted,

Telecommunications Industry Association

By: /s/ Bill Belt

Bill Belt

Director, Technical Regulatory Affairs

Derek Khlopin

Director, Law and Public Policy

Grant Seiffert

Vice President, External Affairs and Global Policy

2500 Wilson Boulevard

Suite 300

Arlington, VA 22201

(703) 907-7700

February 9, 2004